

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALBERT MANDRILL TOOMBS,)
Soc.Sec. #XXX-XX-4417,)
Plaintiff,) **COMPLAINT**
v.) Civil Action No.
)
)
COMMISSIONER OF SOCIAL SECURITY,)
Defendant.)

Plaintiff, Albert Mandrill Toombs, by his attorney, Howard D. Olinsky,
alleges as follows:

1. The jurisdiction of this Court is invoked pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to review a decision of the Commissioner of Social Security denying Plaintiff's application for Social Security Disability Insurance benefits and Supplemental Security Income benefits for lack of disability.

2. This action is an appeal from a final administrative decision denying Plaintiff's claim.

3. This action is commenced within the appropriate time period set forth in the attached Appeals Council Notice dated January 24, 2023. (Exhibit A).

4. The agency committed error of law by denying Appeals Council review of the decision by the Administrative Law Judge, or otherwise to deny relief that was within the authority of the Appeals Council.

5. Plaintiff, whose social security number is XXX-XX-4417, resides in McDonough, Henry County, Georgia, which is within this judicial district and division.

6. The Defendant is the Commissioner of Social Security of the United States of America.

7. Plaintiff is disabled.

8. The conclusions and findings of fact of the Defendant are not supported by substantial evidence and are contrary to law and regulation.

WHEREFORE, Plaintiff prays that this Court:

1. Find that the Plaintiff is entitled to Social Security Disability Insurance benefits and Supplemental Security Income benefits for lack of disability under the provisions of the Social Security Act; or

2. Remand the case for a further hearing;

3. Award attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, on the grounds that the Commissioner's action in this case was not substantially justified; and

4. Order such other and further relief as the Court deems just and proper.

Respectfully submitted,

BY: /s/ Howard D. Olinsky
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